



City of Nevada City

Staff Report for City Council Meeting March 14, 2012

TO: Honorable City Council
FROM: Dave Brennan, City Manager
SUBJECT: Consideration of Resolution Urging the California Congressional Delegation to Prioritize a Congressional Proposal for a Constitutional Amendment to the United States Constitution to Eliminate Corporate Constitutional Rights Currently Reserved for Citizens in the Constitution.

Recommendation: Council Policy Decision

Background: Mr. Charley Price requested this item be placed on the City Council's agenda. Mayor McKay has approved that request so the Council may discuss the issue for consideration

Discussion: I have provided the Council with the complete resolution in our city format with some recommended changes as noted. The significant changes are recommended deletions for the following reasons:

- 1) We do not have a 2012 Federal Legislative Agenda
- 2) The call for an advisory local ballot measure if Congress fails to take action within six months should be removed as it does not instruct a congressional representative; it is strictly advisory.
- 3) The provision for having the City Attorney perform research on a ballot measure for this purpose should be eliminated as it is not a high priority for the use of the limited staff time we currently have.

Fiscal Impact: Action with staff recommendations would have no appreciable impact. Including a potential ballot measure would be significant staff time commitment.

RESOLUTION NO. 2012-XX

RESOLUTION OF THE CITY COUNCIL OF NEVADA CITY
FOR CONSTITUTIONAL AMENDMENT

~~Establish as a position of the Nevada City City Council that corporations should not receive the same constitutional rights as natural persons do, and that because money is not speech, limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.~~

WHEREAS, the United States Constitution and the Bill of rights are intended to protect the rights of individual human beings ("natural persons"); and

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of "We the People"; and

WHEREAS, corporations can and do make important contributions to our society using advantages that government has wisely granted them, but the City Council does not consider them natural persons; and

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and,

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by the "corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporations political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. the Federal Election Commission* (2010) reversed the decision in *Austin*, and presents a serious threat to self-government by rolling back legal limits on corporate spending in an electoral process allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes; and

WHEREAS, City Councilors have sworn to uphold the United States Constitution in our Oath of Office; and,

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go the heart of our democracy and the republican form of self-government; and

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Nevada City Council that corporations should not receive the same constitutional rights of natural persons do and that because money is not speech, limits on political spending will promote the goals of the first Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.

~~BE IT FURTHER RESOLVED~~ that the City of Nevada City hereby includes in its 2012 Federal Legislative Agenda support for efforts to pass an Amendment to the United States Constitution related to campaign finance reform and ending the false doctrine of corporate constitutional rights and, respectfully urges California's Congressional delegation to prioritize congressional proposal of an amendment to the United States Constitution addressing the threats to representative government identified in this resolution so that the states may ratify it; and,

Inserted: s.

~~BE IT FURTHER RESOLVED~~ that should Congress fail to propose such an amendment in six months time, the City Council will explore options for presenting an advisory ballot measure to the voters of Nevada City giving them the opportunity to expressly instruct Nevada City's congressional delegation to prioritize passage of such an amendment; and

~~BE IT FURTHER RESOLVED~~ that the Council hereby directs the City Attorney to research the options for placing such an advisory questions on the Nevada City city ballot in the ways that Madison, Wisconsin; Boulder, Colorado; and Missoula, Montana have recently done; and,

BE IT FURTHER RESOLVED that the City of Nevada City calls on, other communities and jurisdictions and organizations like the U.S. Conference of Mayors and National League of Cities to join with us in this action by passing similar Resolutions.

PASSED AND ADOPTED at a regular scheduled meeting of the City Council held on this 14th day of March, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David McKay, Mayor

ATTEST:

Niel Locke, City Clerk



City of Nevada City

Staff Report for City Council Meeting March 14, 2012

TO: Honorable City Council
FROM: Dave Brennan, City Manager
SUBJECT: Presentation of Water Conservation Program – WaterWise Nevada City

Recommendation: Review and approve the three year plan

Background: When the A.P.P.L.E. Center requested an extension to their lease last year, the Executive Director and I agreed that in consideration for continuing the 60% cost reduction, they would work on developing a water conservation program for Nevada City. They subsequently obtained funding from One Stop to support two interns to prepare the plan under the guidance of APPLE and American Rivers. Katie Merrill and Ellis Garvin have worked closely with me over the past several months to prepare the water conservation plan to assist Nevada City residents and commercial businesses through educational offerings and financial incentives to use water resources effectively for financial and environmental benefits.

Discussion: The “WaterWise Nevada City” conservation program proposes a three year plan attached hereto that will be presented and discussed during the meeting. The plan is flexible as funds can be moved from one category to another as the need arises when one feature may be more effective or in demand than another.

The rebate program provides an incentive to customers to purchase a water saving toilet and help offset the expense of having a water audit performed for the customer.

The “On Bill” financing program will begin in the second year and is basically a no interest loan program that helps to finance purchases of water conserving appliances and landscape improvements. Repayment will be made through the water billing program and become a revolving loan program as needed.

Fiscal Impact: The Council has approved up to \$15,000 per year for this program. An annual report at the time of budget preparation will be provided to the Council.

Nevada City Water Wise

Mission Statement: Educate Nevada City residential and commercial water users regarding water conservation issues while providing economic and environmental incentives to use water efficiently.

Project Goal and Objectives

This project has been carefully designed to proceed in three phases. Phase I focuses on developing a program identity, acquiring community support, and marketing the program to Nevada City water users. Phase II focuses on community education and providing financial incentives to encourage behavioral change. Phase III involves a continuation of community education and incentives focusing on environmental benefits of urban conservation and eventual expansion of the program as a whole.

The overall goal of this project is to educate Nevada City residential and commercial water users regarding water conservation issues while providing economic and environmental incentives to use water efficiently.

Specific objectives in support of our overall goal include:

- Establish a strong program foundation to ensure program recognition and engagement
- Provide education to Nevada City water users and residents on indoor and outdoor water efficiency as well as watershed and environmental concepts
- Provide financial and environmental incentives to encourage behavioral changes

Nevada City Water Wise Budget

*Funding is transferable between expenditure line items within program year

Year 1 (2012)

Activity	Funds Required	Outcome of Activity
Basic Program Start-up Costs	\$500	Program Logo Design, Logo Printing
Water Wise Education	\$500	March 17 th Water Wise workshop, printing of water wise educational materials, workshop series
Subsidized Water Efficient Fixtures	\$2000	<ul style="list-style-type: none">• Provide 500 ultra low flow shower heads (Niagara Bi-max showerhead to chrome finish @\$3.65/ unit) to water customers (initial 250 given away in March, additional 250 given away in July)• Provide leak detection kits
Rebate Program	\$12,000	<ul style="list-style-type: none">• Up to \$50 available for High Efficiency Toilets. Toilet must be on EPA Water Sense approved list. See rebate program rules for more information.• Up to \$25 available for home water audit

Year 2 (2013)

Activity	Funds Required	Outcome of Activity
Nevada City Water Wise Education	\$1000	Host Water Wise workshop series, develop school program, printing of educational materials and literature
Rebate Program	\$8,000	Rebates available: <ul style="list-style-type: none"> • Up to \$50/ high efficiency toilet when replacing pre-1993 toilet. Toilet must be on EPA Water Sense approved list. See rebate program rules for more information. • Up to \$75 rebate available for irrigation supplies, water wise landscape supplies • Rebates available for commercial users 10% of cost up to \$100
On Bill Financing	\$6,000	On Bill Financing* available - up to \$300 for residential users and \$500 for commercial users to increase water efficiency – landscaping (automatic irrigation control, mulch), dishwasher, High Efficiency Washer Machine (must be tier 3 EPA Water Sense qualified), HET toilets (water sense qualified)

Year 3 (2014)

Activity	Funds Required	Outcome of Activity
Nevada City Water Wise Education	\$500	Continue workshop series, printing of educational literature and materials
Rebate Program	\$2,500	Rebates available: <ul style="list-style-type: none"> • Up to \$50/ high efficiency toilet when replacing pre-1993 toilet. Toilet must be on EPA Water Sense approved list. See rebate program rules for more information. • Up to \$75 rebate available for irrigation supplies, water wise landscape supplies • Rebates up to \$100 available for commercial customers

On Bill Financing	\$12,000	On Bill Financing* available - up to \$300 for residential users and up to \$500 for commercial users to increase water efficiency – landscaping, dishwasher, High Efficiency Washer Machine (must be tier 3 EPA Water Sense qualified), HET toilets
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***On Bill Financing** program to provide residents with access to capital in order to make impactful and lasting water efficient changes to their home.

- Provides seamless 0% financing through monthly utility bill
- Customer payment equal to slightly less than dollar amount of water saved
- Net neutral result on bill
- Maximum 1 year payback period
- Permanent efficiency focus of providing long term savings
- Budgeted capital would continue as revolving loan fund

Nevada City Water Wise offers a rebate of up to \$50 when you upgrade your old toilet using 3.5 gallons per flush (GPF) or higher to new, high efficiency model.

A toilet using 3.5 GPF or more accounts for roughly 26% of a home's indoor water use. One of the easiest ways to lower your toilet's water use by approximately 62% is to install a high-efficiency toilet (HET) which use on average 1.3 GPF or less. Although HETs use less water, they remove waste effectively and perform well.

High Efficiency Toilet Rebate Program Rules

Toilets must be purchased and installed after April 1, 2012. Toilet installation and rebate application post-mark must be completed within 90 days of purchase and installation.

Rebates are limited to two per single-family residence and one per multi-family dwelling unit. (Past toilet installation rebated by Nevada City count towards these limits.) All rebates are subject to availability of funds and may take up to 6 weeks to process. All rebates are limited by fund availability.

Eligible Toilet Replacement

1. Must replace a working toilet flushing 3.5 GPF or higher.
2. The exact tank and bowl model number of a the toilet you purchase must be on the WaterSense HETs list. (available online and in hard copy at City Hall)
3. Standard 1.6 GPF toilets do not qualify
4. New construction and replacement of toilets installed after 1993 do not qualify
5. Toilet installation must be within the Nevada City Water service area and served by an open active Nevada City potable water service account.
6. Old toilets must be disposed of at Nevada City Corp. Yard. Disposal must be documented.

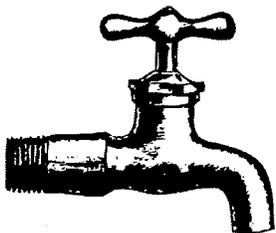
How to Get a Rebate

1. Purchase and install any qualifying model(s)
2. Document disposal of old toilet
3. Complete and submit an application with original purchaser receipt(s). Contractor's receipt must include applicant's name and/or installation address.
4. If you need your original receipt(s) returned, please include a self-addressed, stamped envelope.

Rebates are issued as credits applied to the Nevada City water service account, except where the applicant for the rebate does not pay the water bill at the address where the toilet is installed. Maximum rebate amount per toilet is up to \$50 or the total cost (excluding sales tax and disposal fee), whichever is less.

Nevada City Water Wise

Presenting *Nevada City Water Wise* a new program to inspire efficient use of our most valuable resource – **water**.



Save Water, Save Money

How to be water wise in your home and garden

Saturday March 17th 10am – 1pm

Seaman's Lodge – Pioneer Park

Hear from local experts on both indoor and outdoor water efficiency, water wise landscaping, gardening and irrigation.

No RSVP necessary, plenty of space for all attendees

For more information call: (530) 265 – 2496 ext. 121

Free give-a-ways, raffle, and deals and discounts from local retailers and contractors

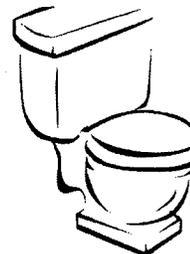
*Nevada City water customers ONLY

WIN!

St. Thomas *Palermo* Dual Flush Toilet - \$250 value
donated by **Sierra Plumbing Supply** www.sierraplumbingsupply.com
Did you know – Toilets account for 26.7% of indoor water use.

Irritrol Wireless Weather Sensing System - \$180 value
(automatic irrigation system with weather sensing control)

donated by **Weiss Landscaping** www.weisslandscaping.com
Did you know – Outdoor water use accounts for up to 50% of overall water use.



Cut and Save – Jump Start Your Water Savings

Bring **this** voucher to the March 17th, Nevada City Water Wise workshop to redeem a **free low flow showerhead** and enter to win water wise prizes donated by local businesses!

Name: _____

Phone Number: _____

Address: _____

Email: _____

*Nevada City Water Customers ONLY, must be present to redeem prizes

From hydraulic mining to the Yuba, water has played a major role in Nevada City's history and is an important resource for our community. Nevada City is located close to the headwaters and source of our water supply in the Sierra Nevada Mountains. Our water seems abundant and plentiful but water conservation and efficiency are important. *Water is a valuable resource!* With inevitable changes in supply and demand caused by changing weather patterns and population growth it has never been more important to look at how we use and value water.

WATER* is the new *GOLD

Where does our water come from?

Nevada City sources its water from Little Deer Creek and supplements its water supply with water from NID in months of high usage (June – September). Our actions at the headwaters are very important as they not only affect our own community but every community downstream whether it be ecological, rural, or urban.

FACT: On average, each Californian uses 100-125 gallons of water per day

What is Nevada City Water Wise?

With the transition from flat rate billing to metered billing and scheduled water rate increases the City sees the perfect opportunity to implement a program that will not only help save residential water customers money but will help foster sustainability, provide conservation education, take pressure off of aging water treatment and delivery infrastructure, and ensure environmental preservation of our beloved watersheds and waterways.

FACT: On average, 10 gallons per day is lost from leaks

What can you look forward to? Rebates for indoor and outdoor retrofits and changes, free low flow fixtures, promotions and deals from local retailers and contractors, water efficiency workshops and education, environmental benefits and MORE.

FACT: Toilets account for 26.7% of all indoor water use

Are you ready to make changes NOW? Visit local retailers that carry fixtures and products that will help you save water inside and outside your home.

Want more information? Do you have questions? Interested in learning more about water wise changes you can make? **Contact Us!**

Call us at (530) 265-2496 ext. 121, Email us at nevadacitywaterwise@gmail.com

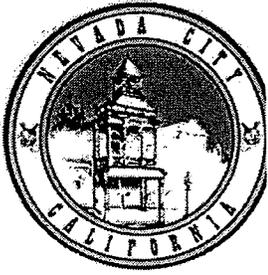
Visit us at <http://nevadacityca.gov/content/water-rate-information>

Look for our new webpage coming soon.



American Rivers
Rivers Connect Us





City of Nevada City

Staff Report for City Council Meeting March 14, 2012

TO: Honorable City Council
FROM: Dave Brennan, City Manager
SUBJECT: Update on Courthouse Project

Recommendation: Direction to Staff

Background: The Draft EIR (released July 2011) was prepared by the Administrative Office of the Courts (AOC) through the Office of Court Construction and Management (OCCM) as they are the lead agency. The DEIR states that two sites were being considered in Nevada City for the new Courthouse 1) the existing courthouse site at 201 Church street and 2) the site at Cement Hill and Highway 49. The DEIR describes the project as an 84,000 sq ft building including six courtrooms. In addition to the analysis of the two primary site options, the DEIR provides a comparative evaluation of 1) The no project option, 2) The no project, courthouse is sited outside of Nevada City and 3) the Juvenile Hall property on Highway 49. Other sites were considered during the scoping session, but not analyzed in detail.

Since the DEIR was released, conversations with representatives of the AOC and the courts have focused on building the project at the current location and the issues specifically related to the reuse of the historic courthouse building and the project costs needing to be reduced by at least 4%. The Nevada City Courthouse Committee has attempted to meet directly with the AOC project committee to discuss options to resolve any issues that would prevent the construction of the new courthouse on Church Street and to avoid potential litigation while finding ways to reduce the project costs. Unfortunately, these efforts have been unsuccessful.

Discussion: Attached is a letter received from the California Superior Court of Nevada County signed by all five judges requesting that Nevada County Board of Supervisors and the City Council of Nevada City to take a leadership position and give them direction through the Project Advisory Committee (PAG). Since, to my knowledge, the PAG has not met for the last 10 months, it would have difficult to do so.

The City of Nevada City has consistently taken the position declaring that the preferred site for the new courthouse is at 201 Church St. See attached resolution 2010-43 and letter dated August 24, 2011 to Ms. Laura Sainz at the AOC. Clearly, the City has spoken to the issue of preferred site location. The letter from the Superior Court states that "the State has reversed course, deciding that the current site is not desirable for the new construction, stating budget issues as a principle reason. The State also notes that there has been local opposition to demolishing the current structure in order to build a new courthouse." These are the issues that Nevada City

Courthouse Committee have discussed locally and want to discuss with the AOC project management possible options to reduce the project costs and mitigate local opposition for that site. The Committee has also been actively engaging community members in discussion of acceptable options.

The AOC project group began to focus on the site locations at Cement Hill, Juvenile Hall and an assemblage of properties to the north and east of Church St. This would leave out the use of the existing site. Recently, I was informed that other sites considered in the focus study phase of the DEIR were also under consideration.

It is apparent that consideration of the existing courthouse location is declining unless the community supports a new courthouse at the site removing both buildings currently at that location.

Staff will have some suggested language for the Council to consider to again emphasize our position to have the new courthouse locate at the existing site and address the issue of removing the historic courthouse building.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
County of Nevada



RECEIVED

MAR 07 2012

City of Nevada City

CANDACE S. HEIDELBERGER,
Assistant Presiding Judge

ROBERT L. TAMIETTI, *Judge*

B. SCOTT THOMSEN, *Judge*

G. SEAN METROKA
Court Executive Officer

THOMAS M. ANDERSON
Presiding Judge

SEAN P. DOWLING, *Judge*

JULIE A. McMANUS, *Judge*

YVETTE DURANT
Commissioner

201 Church Street
Nevada City, CA 95959
(530) 265-1311

February 28, 2012

The Nevada City Council Members
City of Nevada City, City Hall
317 Broad Street
Nevada City, California 95959

The Nevada County Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Re: New Courthouse Construction

Dear Nevada City Council Members and Nevada County Board of Supervisors:

Discussion concerning the proposed construction of a new courthouse for Nevada County has evolved from the initial announcement two years ago. The Nevada County Superior Court, the City, County and other citizens are represented on the Project Advisory Group (PAG) along with representatives of the State. Most of the initial discussion has focused on possible locations for the new courthouse. After many months, the State agreed with the local members of the PAG to make the current site the preferred site for the new construction.

Recently the State has reversed course, deciding that the current site is not desirable for the new construction, stating budget issues as a principle reason. The State also notes that there has been local opposition to demolishing the current structure in order to build a new courthouse.

The judges appreciate and share the community's concerns about the detrimental impacts economically and culturally of relocating the courthouse outside of the downtown area. We understand that a potential result of abandoning the current buildings will be a large vacant space left in the downtown area. Retrofitting the "historical building" is far too expensive to be a realistic option due to existing structural defects.

The Court wants to insure that the community understands our role in this process. The judges serve all of the citizens of Nevada County and the State of California. We will occupy the courthouse wherever it is built. While judges cannot lead a campaign for any one location, the judges are responsive to community needs, and for a project of such importance, we are committed to doing all we can to support the will of the community when it is united on a course of action.

The Nevada City Council Members
The Nevada County Board of Supervisors
Re: New Courthouse Construction
Page Two

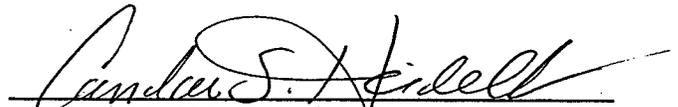
February 28, 2012

With all of that said, the State plans to go forward with the project to replace the present courthouse. If the voice of the community is not heard, either due to dissent, lack of consensus, or procrastination, then the State will decide *for us* where our next county courthouse will be situated. Thus, whether the new courthouse is built on the current site or elsewhere may well depend on a vocal, strong community commitment to a particular site.

In this regard, we respectfully urge the Council and the County to take a leadership position, both to address its obligations to its constituents and to give us direction as we continue to participate in the PAG.

Respectfully,


JUDGE THOMAS M. ANDERSON
Presiding Judge


JUDGE CANDACE S. HEIDELBERGER
Assistant Presiding Judge


JUDGE SEAN P. DOWLING


JUDGE ROBERT L. TAMIETTI


JUDGE B. SCOTT THOMSEN

cc: David McKay, Mayor
Duane Strauser, Vice Mayor
Reinette Senum, Council Member
Robert Bergman, Council Member
Sally Harris, Council Member
David Brennan, City Manager
Nate Beason, District 1
Ed Scofield, District 2
Terry Lamphier, District 3
Hank Weston, District 4
Ted Owens, District 5, Chair
Rick Haffey, Nevada County Chief Executive Officer



City of Nevada City

August 24, 2011

Ms. Laura Sainz
Administrative Office of the Courts
Office of Court Construction and Management
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102-3688

Re; Draft Environmental Impact Report – New Nevada City Courthouse
State Clearinghouse No. 2011032009

Dear Ms. Sainz:

The City of Nevada City is aware that the time for comments on the Draft Environmental Impact Report prepared in July of 2011 for the New Nevada City Courthouse has closed. However, we did not want the City's lack of comments to be misunderstood, especially in light of the Comments submitted by the California Preservation Foundation on August 22, 2011, and the Regional Op-Ed piece published on YubaNet.com on August 22, 2011.

The City of Nevada City did not submit formal comments because it believes that the Draft EIR does a thorough and competent job of evaluating sites and identifying potential impacts and mitigations. The City of Nevada City is especially pleased that the site selection process has given prime consideration to locating the new courthouse at the existing courthouse site and appreciates the responsiveness of the AOC to public and civic concern that the courthouse remain in downtown Nevada City.

Many of the reasons for the nearly unanimous desire to keep the courthouse downtown are intangible and economic reasons rather than "environmental impacts" required to be addressed in an EIR, but they are none the less very real and vital to our community. Separate and apart from the building in which it is currently housed, having a functioning courthouse in downtown Nevada City is part of the town's identity and essential to its livelihood and continued viability. In a less esoteric sense, its location here fosters the need for support businesses and provides customers to local businesses and restaurants that could well move elsewhere were the courthouse to move. To remain financially viable is challenging and the loss of the courthouse could be "the straw that broke the camel's back" for many downtown businesses, initiating a progressive deterioration similar to that witnessed in other small towns in rural communities. But just as the courthouse helps the town, we also believe that that the town helps the courthouse. It

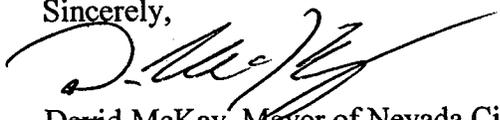
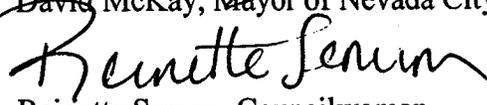
helps the employees to connect with the public to stop off downtown for a coffee on the way to court or to walk to lunch with a client or a witness. Being able to walk from court to town or town to court brings the community together and makes us all more interconnected.

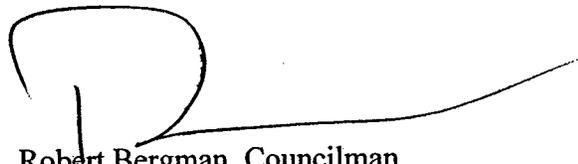
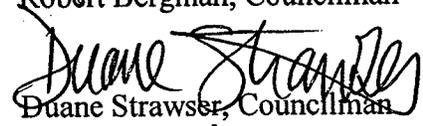
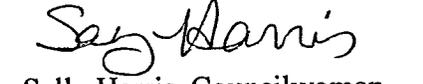
The Comments and Op-Ed piece mentioned above focus upon the “potentially significant and unavoidable impact” from loss of the existing building, but how important is it to save a building if you lose the heart and soul of a community by moving the courthouse out of town. The fact that the existing structure may avoid immediate demolition if the courthouse were to move out of Nevada City does not mean that the historic character of downtown Nevada City will be preserved or even that the building itself will be preserved. If the courthouse use moves, the spirit and vitality of the town will change immediately and the most foreseeable scenario is that the existing courthouse will remain vacant and progressively deteriorate to the added detriment of the town and neighborhood. The County already has a long-standing problem of what to do with the old HEW building on Willow Valley Road after the county offices moved out of that location. It is vacant, fenced off and in disrepair and the County is having problems finding anyone willing to buy it or fix it up at any price.

Even those in favor of saving the existing structure are most likely referring only to the Art Moderne/Art Deco façade. Much of the existing courthouse building consists of architecturally uninspired and disparate non-contributing additions that could be vastly improved by construction of a well-designed new courthouse on site. As noted in the Draft EIR, “with appropriate design the new building’s massing may recreate a similar signature building within the viewshed” and that “with appropriate design the [new courthouse] building may not contrast unfavorably with the existing environs”. Appropriate and sensitive design may address the concerns of the preservationists and even improve the structure, but, as duly noted in the Draft EIR “design is unknown at this time”. What is “known” is that saving just the vacant building will not benefit the City of Nevada City or its owners.

The City of Nevada City is supportive of retaining the courthouse downtown first and foremost. The question of what that courthouse will look like is a design issue for the future that the City looks forward to working on with the AOC.

Sincerely,


David McKay, Mayor of Nevada City

Reinette Senum, Councilwoman


Robert Bergman, Councilman

Duane Strawser, Councilman

Sally Harris, Councilwoman

Courthouselet

cc: David Brennan, City Manager

RESOLUTION NO. 2010-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY DECLARING
THE PRESENT NEVADA COUNTY COURTHOUSE AREA AS THE PREFERRED SITE
FOR A NEW COURTHOUSE IN NEVADA CITY**

WHEREAS, the California Legislature enacted SB 1407 to provide up to \$5 billion in funding for 41 critically needed new and renovated court facilities using court user fees rather than the state's General Fund; and

WHEREAS, the Nevada County Courthouse Project in the City of Nevada City has been ranked as "immediate need" making it among the highest priority capital-outlay projects for California's judicial branch; and

WHEREAS, to initiate each courthouse project, the Administrative Office of the Courts (AOC) must first seek funding authorization from the Joint Legislative Budget Committee of the State Legislature as well as the State Public Works Board and this authorization enables the AOC to proceed with site selection/acquisition, environmental review, and preliminary plans, which is the initial step in architectural design for the Nevada County Courthouse Project; and

WHEREAS, the City of Nevada City Courthouse site, bounded by Church and Washington Streets, and Main and North Pine Streets appears to be the most feasible and cost effective area as the area does not require acquisition, (other than a vacant lot and small building owned by the Nevada City Elementary School District) as the County of Nevada and the State of California owns the property, no privately-owned properties need to be removed from the tax rolls, all public utilities are already available at this site; and

WHEREAS, it is essential to the economic, historic, social and cultural balance, health and well being of the City of Nevada City that the courthouse facility be maintained at its present site, where it has existed for more than 150 years; and

WHEREAS, the City Council of the City of Nevada City has expressed their willingness and support to work with the AOC in the program to construct a new courthouse in Nevada City as consistent with the goals, objectives, and priorities put forward by the AOC, the Nevada County Courts, County of Nevada and the City of Nevada City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada City that this Council hereby declares the present area occupied by the Nevada County Courthouse area as the preferred site for a new courthouse in the City of Nevada City

BE IT FURTHER RESOLVED that this Council hereby authorizes and directs its mayor, management, staff, and city attorney to work with and carry out all necessary steps and to continue exploring with the AOC all future options including siting, zoning and support to keep the courthouse in downtown Nevada City.

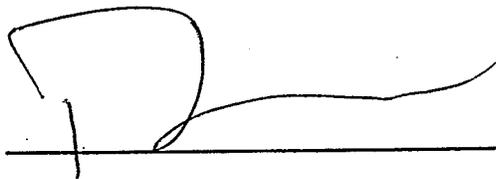
PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 28th day of July, 2010 by the following vote:

AYES: BERGMAN, STRAWSER, SENUM, HARRIS, MCKAY

NOES: NONE

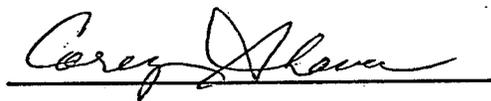
ABSENT: NONE

ABSTAIN: NONE



Robert Bergman, Mayor

ATTEST:



Corey Shaver, Deputy City Clerk

I, Corey Shaver, Deputy City Clerk of the City of Nevada City, California, do hereby certify that the above is a true and correct copy of Resolution 2010-43 duly passed and adopted by the City Council of the City of Nevada City on the 28th day of July, 2010.


Corey Shaver, Deputy City Clerk